

Planning Report

Thursday, April 3, 2014

Zoning Code Amendment

Case Summary

Agenda Item	2
Case Number	14-006ADMC
Proposal	Amending the Dublin Code of Ordinances (Zoning Code) Code Section 153.234(C)(3) to modify the notification requirements to be consistent with City Council Rules of Order; and amending Zoning Code Sections 153.002, 153.019 through 153.023, 153.025, and 153.059 to add requirements regarding Adult Family Homes.
Request	Review and recommendation of approval of a Zoning Code amendment under the provisions of Zoning Code Sections 153.232 and 153.234.
Applicant	Marsha Grigsby, City Manager, City of Dublin.
Contact	Jennifer D. Readler, Frost Brown Todd and Jennifer M. Rauch, AICP, Senior Planner.
Contact Information	(614) 464-1211, jreadler@fbtlaw.com and (614) 410-4690, jrauch@dublin.oh.us
Recommendation	<i>Recommendation of approval to City Council.</i> The proposed modifications to the Zoning Code for hearing notification requirements and adult family homes are appropriate and in conformance with state laws. Planning recommends that the Planning and Zoning Commission recommend approval of this amendment to City Council.

Facts Zoning Code Amendment	
Case Summary	<p>The proposed amendment includes two separate changes for review and recommendation to City Council. The first is a request to amend portions of the Zoning Code to define and allow adult family homes as a permitted use in all districts where single-family dwellings are permitted. This amendment will also permit adult care facilities in all districts where multiple family dwellings are permitted.</p> <p>This second change is a request to amend portions of the Zoning Code regarding noticing for public hearings.</p>
Background	<p><i>Adult Family Homes and Care Facilities</i></p> <p>In recent months, it was brought to the City's attention regarding the location of adult family homes within existing single-family neighborhoods. City Council directed the Law Director's office to provide draft Zoning Code regulations to address adult family homes and adult care facilities. The proposed amendment provides definitions for these uses, allows them as permitted uses in residential districts, requires a distance of 500 feet between property lines of these facilities, and requires the provision of adequate parking for employees. The Ohio Revised Code limits the restrictions a City can enact regarding these uses, with significant case law upholding the 500 foot limitation. A detailed memo provided by the Law Director's office has been provided for your reference.</p> <p><i>Noticing Requirements</i></p> <p>Currently, the Code limits distribution of a notice of public hearing through the newspaper. The proposed modification to the noticing requirements would provide for additional advertisement options to ensure the 30-day required notice can be met for rezoning applications. This is in line with current practice.</p>

Details Zoning Code Amendment	
Process	<p>Code Section 153.232(B)(9) provides the Planning and Zoning Commission with "other powers and duties" which includes making recommendations to City Council for amendments to the Zoning Code. The Commission should review the modifications, provide input, and vote on the changes. The proposed amendment will be forwarded to City Council for its consideration. The following sections summarize the major components and considerations of each section of the zoning regulations proposed for the amendment.</p>
Definitions (153.002)	<p>Most uses provided in the Zoning Code have specific definitions, as contained in Section 153.002, (A) Uses Definitions. Given the specifics outlined in the Ohio Revised Code (ORC), two new definitions that mimic the ORC have been incorporated in the definitions section, which differentiate between an adult family home and an adult care facility. Adult family homes are a residential facility for one to five unrelated persons where accommodations and personal care services are provided. Adult care facilities are a residential facility for three to sixteen persons where accommodations, supervision, and personal care services are provided. Both types of facilities are licensed by the State of Ohio.</p>

Details	Zoning Code Amendment
Single-Family Districts (153.019 - 153.023, 153.059)	The proposed amendment permits adult family homes within the Zoning Code's five single-family districts: R, Rural District; R-1, Restricted Suburban Residential District; R-2, Limited Suburban Residential District; R-3 and R-4, Suburban Residential District; and within the Bridge Street District. The proposed language specifies adult family homes shall not be located within 500 feet of another adult family home or care facility. The distance measured from property line to property line by the shortest distance. The provisions also require adequate off-street parking for employees.
Multiple-Family Districts (153.025 and 159.059)	The proposed amendment permits adult care facilities within the multiple-family districts: R-12, Urban Residential District and within certain zoning districts of the Bridge Street District. The proposed language specifies adult care facilities shall not be located within 500 feet of another adult family home or care facility. The distance and parking provision are the same as proposed for the adult family homes.
Noticing Requirements	The proposed modification to the noticing requirements would provide for additional advertisement options to ensure the 30-day required notice can be met for rezoning applications. The proposed amendment will be consistent with Council Rules of Order.

Recommendation	Approval
Approval	Planning recommends the Planning and Zoning Commission recommend approval of the proposed amendments to City Council.